

SYN. NO. _____

AGN. NO. _____

MOTION BY SUPERVISOR MICHAEL D. ANTONOVICH

SEPTEMBER 7, 2004

AMENDMENT TO ITEM # 38

It is important that the Public Health Officer recognize the need for stronger direction and administration regarding the regulation of Commercial Sex Venues (CSVs). Los Angeles County is second only to New York City in U. S. metropolitan areas in the number of reported AIDS cases. Between July and December of 2003, the HIV Epidemiology Program reported 1,300 new cases and 260 HIV-related deaths in the county alone. The primary exposure group is by far, sexual transmission.

The Health Officer reports, "*Increased drug use is associated with anonymous sexual encounters,*" and further, "*Use of both legal and illegal drugs can release inhibitions about having unprotected sex with new acquaintances.*" Private rooms within CSVs allow and may foster combined unsafe sex practices and the use of illegal substances, because adequate enforcement of prohibited activities becomes impossible. In nearly all major metropolitan areas, such as New York City, San Francisco, and San Diego, bathhouses or private rooms within bathhouses are not permitted. Although, some of these regulations have not been effective, enforcement seemed to be the largest difficulty. Making the ordinance more clear, combats this problem.

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Antonovich	_____
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It is also important to make clear that the health threat we are combating is not isolated to the homosexual/bisexual community. It is directed towards mitigating the spread of HIV and sexually-transmitted diseases for all of those at risk. In that regard, it is essential that all sexual encounter establishments are subject to the rules of this ordinance, including heterosexually-oriented establishments as well. Therefore, it is necessary to better define the term "Commercial Sex Venues", so the correct message is put forth; and interpretations of the ordinance is unquestionable. This is particularly imperative for the enforcement of this ordinance.

Currently, Los Angeles City Municipal Code Section 12.70 defines "Sexual Encounter Establishments" (SEEs) as the following: *An establishment, other than a hotel, motel or similar establishment offering public accommodations, which, for any form of consideration, provides a place where two or more persons may congregate, associate or consort in connection with "specified sexual activities" or the exposure of "specified anatomical areas".*

Los Angeles City's Department of Building and Safety currently have a list of thirteen, open and operating "Sexual Encounter Establishments". Greater cooperation with the City of Los Angeles is essential, since all known CSVs at this time, reside within the City of Los Angeles. In addition, it is imperative that either the language is identical, or both CSVs and SEEs are referenced in the ordinance, so that the Health Officer can regulate all such establishments.

Currently, there are no measures in the CSV ordinance that requires background checks of those applying for CSV permits or subsequent reviews by related policing bodies, for recommendations to approve. Additionally, according to the current proposed ordinance, one does not need to provide previous addresses, criminal convictions, and/or aliases, etc. Assessments such as these are essential to ensuring the safety and welfare of CSV patrons, as well as the general public.

Further, there are also no current measures in the regulations that require owners to ensure that CSV premises are clean and in sanitary conditions. There are no requirements for clean and laundered linens or showers to be provided at these establishments. These are simply minimal health standards that must be sustained at all times. These measures are the minimum standards necessary in ensuring the public's health, safety and welfare.

I, THEREFORE, MOVE that the Board of Supervisors direct the Public Health Officer in collaboration with County Counsel, Consumer Affairs, and the Business License Commission, to review San Diego County's Codes of Regulatory Ordinances as it relates to bathhouses, to determine if it is feasible to incorporate in the Los Angeles County CSV ordinance and/or regulations the following:

1. Application/Issuance Process for a Bathhouse Permit that includes a requirement for background checks for CSV owners and managers.
2. Requirements for Operations.
3. Prohibition of Locked Cubical Room/Booth, and Private Rooms.
4. Requirements and Regulation of Health and Sanitation Conditions.
5. Establishment of guidelines for the role of Community-Based Organizations (CBOs) to work in conjunction with the Department of Health Services in the Commercial Sex Venue regulations.

I, FURTHER MOVE that the Board of Supervisors direct the Public Health Officer in collaboration with County Counsel to report back on recommendations to either include SEEs in the CSV ordinance, or create a new ordinance in that regard.

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